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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,177	10/28/2003	Richard N. Anderson	HUN.233	4293

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EXAMINER

ORTIZ, ANGELA Y

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,177

Applicant(s)

ANDERSON, RICHARD N.

Examiner

Angela Ortiz

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-13 is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed April 11, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the paragraph inserts the "downwardly" concept, and the use of "must" was not previously set forth in the original specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The use of "downward" and "downwardly" is unsupported for the reasons set forth in the previous office action.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 1732

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al., USP 1,880,115 or Kanematsu et al., USP 6,791,771 (of record) for the reasons cited in the previous office action.

The cited Smith reference substantially teaches the basic claimed process of assembling two parts together comprising the steps of placing one part into a channel of a second part, wherein there is provided a series of ridges or grooves between the bottom surface of the one part and channel, the ridges being readable on the claimed crush ribs, and pressing downwardly on the insert to deform the ribbed surface until the top surfaces of the parts are aligned. See page 1, lines 65-85; page 2, lines 1-35.

The cited Kanematsu reference substantially teaches the basic claimed method of uniting a core with an insert, both having substantially the same profile and a length, including providing a holding rib – crush rib – and pressing the insert into the channel to deform the rib until the parts are aligned. Note that figures 2a and 4a show a downward push of the insert into the channel. See col. 15, lines 25-65; col. 19, lines 5-30.

Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanematsu et al., USP 6,791,771 in view of Ogi, USP 4,261,947 (of record) for the reasons cited in the previous office action.

The cited primary reference substantially teaches the basic claimed method of uniting a core with an insert, both having substantially the same profile and a length, including providing a holding rib – crush rib – and pressing the insert into the channel to deform the rib until the parts are aligned. See col. 15, lines 25-65; col. 19, lines 5-30.

Art Unit: 1732

The cited primary reference does not teach the step of extrusion coating.

The added secondary reference teaches as conventional the feature of assembling two pieces and extrusion coating the assembly with a thermoplastic material. A composite product is joined by mating two plastic pieces having stepped end faces 4,5 with grooves 7,8 wherein each face fits into the opposite face. A gap is provided between the parts and a thermoplastic resin is extrusion coated onto the joined portions. The coating serves to unite and decorate the assembly. See col. 3, lines 5-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to extrusion coat the assembly of the primary reference as shown in the added reference, for forming a decorative effect and the joint section.

With respect to the claimed step of pressing downward, note that figures 2a and 4a of the primary reference show a downward assembly of parts and such would have been an obvious alternative for equivalently assembling the parts together.

With respect to claims 4-6, see figure 11 of USP 6,791,771 and col. 15, lines 1-12 for a wider top than bottom feature.

With respect to claims 7-8, see USP4,261,947 figure 1 and col. 2, line 64 to col. 3, line 5 to show the conventionality of leg/shoulder joint assemblies.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanematsu et al., USP 6,791,771 in view of DeRees, USP 5,670,109 (of record) for the reasons cited in the previous office action.

Art Unit: 1732

The cited primary reference substantially teaches the basic claimed method of uniting a core with an insert, both having substantially the same profile and a length, including providing a holding rib – crush rib – and pressing the insert into the channel to deform the rib until the parts are aligned. Note that figures 2a and 4a show a downward push of the insert into the channel. See col. 15, lines 25-65; col. 19, lines 5-30.

The cited primary reference does not teach the step of providing an adhesive per se.

The added secondary reference sets forth joining two parts to form a composite wherein an adhesive material is injected into the opening therebetween. See col. 3, lines 25-40.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an adhesive in the primary reference as shown in the added reference, for permanently bonding the two parts.

Allowable Subject Matter

Claims 10-13 are allowed.

Response to Arguments

Applicant's arguments filed April 11, 2006 have been fully considered but they are not persuasive.

Applicant argues the new matter rejection, showing support for the proposed paragraph amendment.

Art Unit: 1732

Note that the majority of the paragraph restated subject matter previously disclosed; however, no support can be provided for “downward” or “downwardly”, or “must initially be above the top of the core, and the insert must be pushed” as newly recited. The use of “must” is closed language, and requires support in the original disclosure. Applicant is required to cancel the new matter.

Applicant argues the 103 rejection over Smith or Kanematsu, stating that Smith does not show the same profile, that the ribs are not crushed, and that there is no alignment of the top surfaces.

Note that claim 1 recites “substantially the same profile”, wherein substantially does not require the exact profile. Such is deemed shown in Smith. With respect to “crushing”, this is deemed readable on pressing as shown in the applied prior art. Note that when pressing occurs, the ribs are deformed from their original state, and are ‘crushed’ as claimed. With respect to alignment, note that in Smith, top surface 5 is aligned at 9 as shown in the figures (see figs. 1 and 3).

With respect to Kanematsu, note that the applicant does not have support for the claimed downward movement, but nonetheless, the reference remains as previously applied for the reasons cited above. While applicant argues that different embodiments do not show crush ribs as claimed, the reference does set forth possession of the use of crush ribs, and such is further well within the level of ordinary skill in the art.

Consideration of a reference is not limited to its preferred embodiment, but extends to its full disclosure for what it fairly would have taught one of ordinary skill in

Art Unit: 1732

the art. Note also that the conclusion of obviousness does not require absolute certainty, but only a reasonable expectation of success. *Merck & Co., Inc. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir. 1989).

Note that claim 1 was rejected under Smith or Kanematsu; no combination was made of the two references.

Crushing as argued is readable on pressing and deforming as shown in the applied prior art rejections.

With respect to the rejection of claims 2-8, note that applicant's representative argues that Kanematsu does not show downward and Ogi cannot be combined.

The embodiment of Kanematsu which shows downward pressing is argued above; note that it would have been obvious to one of ordinary skill in the art at the time the invention was made to extrusion coat the assembly of the primary reference as shown in the added reference, for forming a decorative effect at the joint section. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

With respect to the specific embodiments discussed by the applicant, note that one cannot show nonobviousness without considering the references as a whole, or by attacking references individually where the rejections are based on combinations of

Art Unit: 1732

references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The argued dependent features are deemed obvious improvements and well within the level of ordinary skill in the art. Note that claims 10-13 differ in that mere features are not claimed, but an association of those features with a novel result or step is clearly set forth.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 1732

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaiaanni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Angela Ortiz
Primary Examiner
Art Unit 1732

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